

Commerce & Labor Committee

SSB 6332

Brief Description: Concerning human trafficking.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Haugen, Delvin, Kline, Fraser, Stevens, Shin, Fairley and Roach).

Brief Summary of Substitute Bill

- Establishes civil penalties for a violation of Washington's human trafficking law.
- Exempts the recruitment agency and employer of foreign workers who have been provided with an information pamphlet under federal law, or who hold certain visas, from the disclosure requirement of Washington's human trafficking law.
- Limits the definition of "foreign worker" to those who hold a nonimmigrant visa for temporary visitors.
- Instructs the Department of Labor and Industries to integrate information on assisting victims of human trafficking into existing posters and brochures.

Hearing Date: 2/19/10

Staff: Brian Kilgore (786-7119) and Jill Reinmuth (786-7134).

Background:

International labor recruitment agencies and domestic employers of foreign workers must provide a disclosure statement to foreign workers, except for those holding an H-1B visa, who have been referred to or hired by a Washington employer.

The disclosure statement must state that the worker:

- may be considered an employee under state law;
- may be subject to both state and federal laws governing overtime and work hours; and
- has the right to control his or her travel and labor documents, subject to federal law.

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The disclosure must also include:

- a list of services or a hotline the worker may contact if he or she thinks he or she may be a victim of trafficking;
- an itemized listing of any deductions the employer intends to make from the worker's pay for food and housing; and
- an itemized listing of the international labor recruitment agency's fees.

Federal law requires the United States Secretary of State to develop an informational pamphlet on the legal rights and resources available to nonimmigrant visa holders in certain employment and education-based visa categories. The pamphlet must include information on: the legal rights of nonimmigrant visa holders, including labor and employment law; the illegality of slavery and trafficking in persons; the right to report abuse without retaliation; and the right of the nonimmigrant visa holder not to relinquish possession of his or her passport. Visa applicants must confirm that they have read and understood the pamphlet before they are issued a visa.

Summary of Bill:

The international recruiting agency or domestic employer of a foreign worker who has been provided an informational pamphlet developed under federal law is not required to provide the disclosure statement required by Washington's human trafficking law. A worker is presumed to have been provided the pamphlet if the federal law requiring the pamphlet is in effect and the worker holds an A-3, G-5, NATO-7, H, J, or B-1 personal or domestic servant visa.

The definition of foreign worker is limited to certain persons who hold a nonimmigrant visa for temporary visitors. The exemption for persons who hold H-1B visas is deleted.

A foreign worker may bring an action against any domestic employer or international labor recruiting agency which fails to comply with the disclosure requirements of Washington's human trafficking law. A foreign worker who prevails in his or her action must be awarded court costs and attorneys' fees, and an amount between \$200 and \$500, or actual damages, whichever is greater. The court may also award equitable relief.

The Department of Labor and Industries must integrate information on assisting victims of human trafficking into existing posters and brochures. The toll-free telephone number of the National Human Trafficking Resource Center and the Washington State Office of Crime Victims Advocacy must be included on the posters and brochures.

Appropriation: None.

Fiscal Note: Available on original bill.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.